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RESOLUTION NO. 09-208

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF WATER DISTRIBUTION SYSTEM NUMBER 448-90442 (NORTH OF CENTRAL, WEST OF 151ST WEST) IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF WATER DISTRIBUTION SYSTEM NUMBER 448-90442 (NORTH OF CENTRAL, WEST OF 151ST WEST) IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Water Distribution System Number 448-90442 (north of Central, west of 151st West).

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Thirty-Six Thousand Dollars (\$36,000) exclusive of the cost of interest on borrowed money, with 100 percent of the total cost payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after June 1, 2009, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

PARCEL "A"

Lot 10, Block A, Woodland Hills Addition, Sedgwick County, Kansas EXCEPT that part of said Lot 10 described as follows: Beginning at the NE corner of said Lot 10; thence S00°00'00"W along the east line of said Lot 10, 581.91 feet to a deflection corner in said east line; thence N88°52'41"W along the east line of said Lot 10, 115.00 feet to a deflection corner in said east line; thence N00°00'00"W along the northerly extension of the southerly portion of the east line of said Lot 10, 262.25 feet; thence S90°00'00"W, 50.02 feet to point 165.00 feet normally distant west of the northerly portion of the east line of said Lot 10; thence N00°00'00"E parallel with the east line of said Lot 10, 320.00 feet to a point on the north line of said Lot 10; thence S89°06'03"E along the north line of said Lot 10, 165.02 feet to the point of beginning, and EXCEPT that part of said Lot 10 described as follows: Beginning at the SW corner of said Lot 10; thence N00°00'00"E along the west line of said Lot 10, 449.99 feet to a deflection corner in said west line; thence N88°52'41"W along the west line of said Lot 10, 93.00 feet; thence N08°32'00"W, 152.69 feet; thence N20°07'00"W, 38.00 feet; thence N80°07'38"E, 124.51 feet; thence S15°25'29"E, 234.87 feet to the beginning of a non-tangent curve to the left; thence southeasterly along said curve, having a central angle of 22°23'27" and a radius of 400.00 feet, an arc distance of 156.32 feet, (having a chord length of 155.32 feet bearing S31°33'49"E), to the end of said curve; thence S48°06'33"E, 55.32 feet to the P.C. of a curve to the right; thence southeasterly and southerly along said curve, having a central angle of 50°57'05" and a radius of 75.00 feet, an arc distance of 66.70 feet, (having a chord length of 64.52 feet bearing S22°38'00"E), to the P.T. of said curve; thence S02°50'32"W, 208.65 feet to a point on the south line of said Lot 10; thence N88°52'41"W along the south line of said Lot 10, 193.42 feet to the point of beginning, and EXCEPT that part of said Lot 10 described as follows: Beginning at the SE corner of said Lot 10; thence N88°52'41"W along the south

line of said Lot 10, 152.36 feet; thence N05°50'31"E, 205.02 feet to the P.C. of a curve to the left; thence northerly and northwesterly along said curve, having a central angle of 50°35'31" and a radius of 125.00 feet, an arc distance of 110.37 feet, (having a chord length of 106.82 feet bearing N19°27'15"W), to the P.T. of said curve; thence N44°45'00"W, 96.72 feet to the P.C. of a curve to the right; thence northwesterly along said curve, having a central angle of 21°50'03" and a radius of 130.00 feet, an arc distance of 49.54 feet, (having a chord length of 49.24 feet bearing N33°49'59"W), to the P.T. of said curve; thence N22°54'58"W, 47.26 feet; thence N18°46'09"W, 115.54 feet; thence N17°39'28"W, 108.05 feet; thence N26°37'13"E, 189.36 feet; thence N17°55'32"W, 128.55 feet; thence N34°11'30"W, 37.47 feet; thence N14°17'24"W, 291.07 feet to a deflection corner in the north line of said Lot 10; thence N67°11'36"E, 271.59 feet to a deflection corner in said north line; thence S89°06'03"E along the north line of said Lot 10, 98.15 feet to a point 165.00 feet normally distant west of the northerly portion of the east line of said Lot 10; thence S00°00'00"E parallel with the east line of said Lot 10, 320.00 feet; thence S00°00'00"E, 50.02 feet to the intersection with the northerly extension of the southerly portion of the east line of said Lot 10; thence S00°00'00"E along the northerly extension of the southerly portion of the east line of said Lot 10 and along the southerly portion of the east line of said Lot 10, 1061.54 feet to the point of beginning.

PARCEL "B"

That part of Lot 10, Block A, Woodland Hills Addition, Sedgwick County, Kansas described as follows: Beginning at the SW corner of said Lot 10; thence N00°00'00"E along the west line of said Lot 10, 449.99 feet to a deflection corner in said west line; thence N88°52'41"W along the west line of said Lot 10, 93.00 feet; thence N08°32'00"W, 152.69 feet; thence N20°07'00"W, 38.00 feet; thence N80°07'38"E, 124.51 feet; thence S15°25'29"E, 234.87 feet to the beginning of a non-tangent curve to the left; thence southeasterly along said curve, having a central angle of 22°23'27" and a radius of 400.00 feet, an arc distance of 156.32 feet, (having a chord length of 155.32 feet bearing S31°33'49"E), to the end of said curve; thence S48°06'33"E, 55.32 feet to the P.C. of a curve to the right; thence southeasterly and southerly along said curve, having a central angle of 50°57'05" and a radius of 75.00 feet, an arc distance of 66.70 feet, (having a chord length of 64.52 feet bearing S22°38'00"E), to the P.T. of said curve; thence S02°50'32"W, 208.65 feet to a point on the south line of said Lot 10; thence N88°52'41"W along the south line of said Lot 10, 193.42 feet to the point of beginning.

PARCEL "C"

That part of Lot 10, Block A, Woodland Hills Addition, Sedgwick County, Kansas described as follows: Beginning at the SE corner of said Lot 10; thence N88°52'41"W along the south line of said Lot 10, 152.36 feet; thence N05°50'31"E, 205.02 feet to the P.C. of a curve to the left; thence northerly and northwesterly along said curve, having a central angle of 50°35'31" and a radius of 125.00 feet, an arc distance of 110.37 feet, (having a chord length of 106.82 feet bearing N19°27'15"W), to the P.T. of said curve; thence N44°45'00"W, 96.72 feet to the P.C. of a curve to the right; thence northwesterly along said curve, having a central angle of 21°50'03" and a radius of 130.00 feet, an arc distance of 49.54 feet, (having a chord length of 49.24 feet bearing N33°49'59"W), to the P.T. of said curve; thence N22°54'58"W, 47.26 feet; thence N18°46'09"W, 115.54 feet; thence N17°39'28"W, 108.05 feet; thence N26°37'13"E, 189.36 feet; thence N17°55'32"W, 128.55 feet; thence N34°11'30"W, 37.47 feet; thence N14°17'24"W, 291.07 feet to a deflection corner in the north line of said Lot 10; thence N67°11'36"E, 271.59 feet to a deflection corner in said north line; thence S89°06'03"E along the north line of said Lot 10, 98.15 feet to a point 165.00 feet normally distant west of the northerly portion of the east line of said Lot 10; thence S00°00'00"E parallel with the east line of said Lot 10, 320.00 feet; thence S00°00'00"E, 50.02 feet to the intersection with the northerly extension of the southerly portion of the east line of said Lot 10; thence S00°00'00"E along the northerly extension of the southerly portion of the east line of said Lot 10 and along the southerly portion of the east line of said Lot 10, 1061.54 feet to the point of beginning.

PARCEL 'D'

Lot 9, EXCEPT the east 747.95 feet thereof; together with that part of Lot 10, described as beginning at the northeast corner of said Lot 10; thence S00 °W along the easterly line of said Lot 10, 581.91 feet, to a deflection corner in said line; thence N88°52'41"W along the easterly line of said Lot 10, 115 feet, to a deflection corner in said line; thence N00°E, 262. 25 feet; thence S90°W, 50.00 feet; thence N00°E, 320.00 feet to the north line of said Lot 10; thence S89°06'03"E, 165.00 feet to the Point of Beginning, all in Block A, Woodland Hills Addition, Sedgwick County, Kansas.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: PARCEL 'A', PARCEL 'B', PARCEL 'C', and PARCEL 'D' shall each pay 1/4 of the total cost of the project.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 14th day of July, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK
(SEAL)